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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of specific school library materials, in public elementary and secondary schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FROST introduced the following bill; which was referred to the Committee
on _____

A BILL

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of specific school library materials, in public elementary and secondary schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fight Book Bans Act”.

1 **SEC. 2. GRANTS TO REIMBURSE CERTAIN COSTS OF CHAL-**
2 **LENGES TO CONTINUED USE OF INSTRUC-**
3 **TIONAL AND LIBRARY MATERIALS.**

4 (a) DEFINITIONS.—For purposes of this section:

5 (1) APPLICABLE PROGRAM.—The term “appli-
6 cable program” means any program for which the
7 Secretary of Education has administrative responsi-
8 bility as provided by law or by delegation of author-
9 ity pursuant to law.

10 (2) COVERED LOCAL EDUCATIONAL AGENCY.—
11 The term “covered local educational agency” means
12 a local educational agency that has the duty and re-
13 sponsibility under law—

14 (A) to select and provide instructional ma-
15 terials and school library materials for students
16 attending public elementary schools or public
17 secondary schools under the jurisdiction of the
18 agency;

19 (B) to provide, or participate in, a proc-
20 ess—

21 (i) to provide for resolution of an ob-
22 jection by a parent or other person to—

23 (I) the use of a specific instruc-
24 tional material; or

25 (II) the availability of a specific
26 school library material; and

1 (ii) to discontinue the use of the in-
2 structional material, or the availability of
3 the school library material, for any grade
4 level or age group if the local educational
5 agency determines that the material is in-
6 appropriate or unsuitable; and

7 (C) to provide, or participate in, a process
8 (including any administrative proceeding or
9 court case) under which a parent or other per-
10 son who disagrees with a determination made
11 by the covered local educational agency pursu-
12 ant to subparagraph (B)(ii) to discontinue or
13 not to discontinue the use of an instructional
14 material, or the availability of a school library
15 material, may appeal, or otherwise request re-
16 consideration of, the determination.

17 (3) ESEA TERMS.—The terms “elementary
18 school”, “parent”, “secondary school”, and “Sec-
19 retary” have the meaning given those terms in sec-
20 tion 8101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801).

22 (4) INSTRUCTIONAL MATERIAL.—The term “in-
23 structional material” means instructional content
24 that is provided to a student, regardless of its for-
25 mat, including printed or representational materials,

1 audio-visual materials, and materials in electronic or
2 digital formats (such as materials accessible through
3 the Internet). The term does not include academic
4 tests or academic assessments.

5 (5) LOCAL EDUCATIONAL AGENCY.—The term
6 “local educational agency” means a public elemen-
7 tary school, public secondary school, school district,
8 or local board of education that is the recipient of
9 funds under an applicable program.

10 (6) SCHOOL LIBRARY MATERIAL.—The term
11 “school library material” means any material avail-
12 able to a student via the student’s school library, re-
13 gardless of its format, including printed or represen-
14 tational materials, audio-visual materials, and mate-
15 rials in electronic or digital formats (such as mate-
16 rials accessible through the Internet).

17 (7) STUDENT.—The term “student” means any
18 public elementary school or public secondary school
19 student.

20 (b) GRANTS.—

21 (1) IN GENERAL.—The Secretary of Education
22 is authorized to make grants to covered local edu-
23 cational agencies to reimburse such agencies for the
24 costs (including costs such as attorneys’ fees and

1 court costs) incurred in connection with a process
2 described in subsection (a)(2)(C), if—

3 (A) such costs are not reimbursed by the
4 State or any other person; and

5 (B) such process was initiated due to a de-
6 termination by the covered local educational
7 agency not to discontinue the use of an instruc-
8 tional material or the availability of a school li-
9 brary material.

10 (2) APPLICATION.—A covered local educational
11 agency desiring to receive an award under paragraph
12 (1) shall submit an application to the Secretary at
13 such time and in such manner as the Secretary shall
14 require.

15 (3) MAXIMUM AMOUNT.—The maximum
16 amount that a covered local educational agency is el-
17 igible to receive under this subsection is \$100,000
18 for each determination described in paragraph
19 (1)(B).

20 (4) AWARD PROCESS.—In awarding grants
21 under this subsection, the Secretary shall ensure
22 that the award process is based on content-neutral
23 and viewpoint-neutral criteria and does not take into
24 account the content of the instructional material or
25 school library material concerned.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there are authorized to be appropriated
3 a total of \$15,000,000 for fiscal years 2024 through 2028.